

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 500 CLASSIFICATION AND MANAGEMENT OF INMATES	SUPERSEDES: IB 92-30 AR 503 (11-30-92)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATIONS 503 CONDUCT OF OBJECTIVE CLASSIFICATION TEMP	EFFECTIVE DATE: 04/05/04

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	<u>MANDATORY REVIEW DATE</u>	<u>12/30/05</u>

PURPOSE

To set forth guidelines and direction in the objective classification of inmates.

To assist in the efficient and orderly management of inmates in the Department.

AUTHORITY

NRS 209.341

NRS 209.351

RESPONSIBILITY

The Offender Management Division Administrator has overall responsibility to ensure compliance of this regulation.

The Associate Warden of Programs/designee or the Facility Supervisor has institution responsibility to ensure compliance with this regulation.

DEFINITIONS

ASSIGNED CUSTODY – The custody given to the inmate by the institution or facility classification committee.

CENTRAL CLASSIFICATION – The term that describes the administrative function carried out by the Offender Management Administrator / designee including, but not limited to, final approval of certain specified classification actions.

CLASSIFICATION – A process for determining the needs and requirements of offenders for whom confinement has been ordered and for assigning them to housing units, programs and custody levels according to their needs and existing resources; and safety and security issues.

COMPUTED CUSTODY – The objective custody level dictated by a numerical score given to selected case factors relevant to the classification process and calculated through the Objective Classification Instrument. The computed custody is determined when an inmate falls within a specified score range or when a specific limitation exclusion is entered.

INVOLUNTARY TRANSFER – Transfer made without the concurrence of the inmate

NEVADA CORRECTIONS INFORMATION SYSTEM (NCIS) – An integrated, micro-computer based information system used to manage the inmate population through the employment of applications related to count, supervision, sentence management, classification and casework, planning and statistical activities.

OBJECTIVE CLASSIFICATION INSTRUMENT – An automated NCIS instrument that associates numerical values to objectively derived case factors that logically relate to inmate classification decisions. Additionally, the instrument incorporates those elements of Nevada law and policy that creates restrictions related to custody assignments. The computed custody, guides the decision of the classification committee. The instrument is designed to structure and check, not eliminate staff discretion. This definition applies to both the Designation and Reclassification Instruments.

OBJECTIVE CLASSIFICATION SYSTEM –A system in which classification decisions are based on established criteria rather than wholly subjective judgements. The objective criteria are organized into a classification instrument accompanied by procedures for applying the criteria to inmates in a systematic manner.

SUBSTANTIAL ADVERSE EFFECT – An action, which significantly disrupts an inmate's housing, program or custody status including but not limited to:

- Involuntary transfer to another institution or facility, which involves an increase in the custody classification of the inmate or significant assignment change.
- Involuntary increase in the custody classification of the inmate, not involving transfer.
- An involuntary transfer between institutions and/or facilities that does not involve an increase in the custody classification of the inmate is not considered to have an adverse effect.

APPLICABILITY

This regulation applies to all Departmental employees directly involved in the classification process and all inmates.

PROCEDURES

503.01 CLASSIFICATION HEARING

1.1 The classification committee should use the institutional files, NCIS information, information presented by the inmate and other interested parties, information obtained and formatted by the NCIS in the formulation and documentation of a classification decision and any other relevant information. **(3-4284)**

1.2 In order to determine if the inmate's case factors warrant a change in custody or housing, a complete review of the objective classification instrument should be conducted at every reclassification hearing.

1.3 The inmate should make a personal appearance before the committee and present their point of view or submit documents bearing on the proposed committee action. Inmates should have explained to them the purpose of the meeting and those aspects of their records that might cause a change in classification. **(3-4284)**

1.4 An inmate may be classified in absentia under limited circumstances.

1.4.1 This type of hearing should be reserved for occasions when the personal appearance of the inmate would present a threat to the security of the institution or where

the inmate has refused to appear.

1.4.2 An in-absentia hearing is also appropriate when the action to be taken represents a minor adjustment to the inmate's classification which is not contested and which does not require an objective classification instrument to be completed.

1.5 An inmate should receive reasonable prior notice of scheduled classification. Reasonable prior notice may be satisfied by posting the classification list in a common area accessible to the inmate 24 hours prior to the scheduled start of the hearing agenda. **(3-4289)**

- Institutional procedures should reflect the process in which an inmate can initiate a review of progress and program status. **(3-4290)**

1.6 Formal classification committee hearings are not required for job and program changes, to which the inmate consents. The changes may be documented by an entry in the NCIS and approved by the institutional or facility chairperson.

503.02 DOCUMENTATION

1.1 Every classification hearing will be documented in the classification chrono control screen of the NCIS regardless of whether the inmate was present.

1.2 All work and program assignments to which an inmate is classified will conform to the processes defined by pertinent regulations.

503.03 USE OF OBJECTIVE CLASSIFICATION INSTRUMENT

1.1 The classification system specifies the level of custody required and provides for a regular review of each classification. **(3-4283)**

1.2 Beginning with their initial classification hearing, an inmate should be re-classified at least once every six (6) months. **(3-4283)**

1.3 All classification actions requiring approval by Offender Management Division (OMD) and regular reclassification hearings require an up-dated reclassification screen accompanied by a NCIS entry.

1.3.1 On each reclassification screen where the assigned custody is greater than the computed custody, there should be a narrative in the comments section to explain why the computed custody is not recommended.

1.3.1.1. If the circumstances of the override are subject to change, a date for follow-up classification or casework should be included in the narrative.

1.3.1.2 If the reclassification date is to occur before the next scheduled reclassification, then that date needs to be replaced in the interim reclassification date field in the NCIS.

1.3.2 On each instrument where the assigned custody is medium based on exclusions from minimum related to release dates or acts of serious violence, there should be a narrative in the comments section to explain when applicable time frames will be satisfied.

1.3.2.1 The appropriate date for review should be entered in the Interim Review Date (IRD) section of the instrument.

1.3.2.2 If the exclusion relates to a hold or detainer there should be a narrative to indicate the confirmation of such through casework.

1.4 The committee should assign/recommend the inmate to the lowest custody where behavior can be controlled to ensure the protection of the community, staff and other inmates.

503.04 CLASSIFICATION COMMITTEE PROCESS

1.1 Classification actions, which may have a substantial adverse effect on the conditions of confinement for the inmate should include the following procedural safeguards:

1.1.1 Written notice of the classification hearing should be provided at least 24 hours prior to the hearing. This notice should detail the proposed action and the reasons for the action.

1.1.2 When the classification committee determines that the inmate is unable to understand the proposed action, or the situation is very complex, assistance may be provided by an inmate counsel substitute.

1.2 Conduct of emergency transfers

1.2.1 During normal operational business hours the Offender Management Administrator shall be notified prior to transfer for approvals.

1.2.2 After business hours the Administrative Officer of the Day (AOD) will be notified for approval. Due process classification should be conducted by the receiving institution within 72 hours and after timely notice to the inmate.

- The OMD must be notified of the emergency transfer on the following business morning by the sending institution.

- 1.2.3 The receiving institution shall conduct the hearing per the Department's Administrative Regulation 507.

503.05 COMMITTEE DECISION PROCESS

1.1 Classification decisions should be reached through a group discussion and majority vote. In the event of substantial disagreement, the case should be referred to the Warden for resolution.

1.2 The Warden may override the action of the classification committee; the reasons for override will be documented in the NCIS.

1.3 The committee shall carry out the process of objective classification with the understanding that objective criteria cannot be the sole basis for classification decisions. Staff judgement is also critical.

503.06 ADMINISTRATIVE APPROVAL

1.1 The classifications actions listed below require review and approval of Central Classification.

- Initial classification;
- Custody reduction to minimum and below;
- Transfers between facilities/institutions;
- Transfers to other jurisdictions;
- Classifications actions requiring over-rides; and
- Youthful Offender Program (YOP) as defined in Departmental regulations.

1.2 Approval may be given verbally but must be followed by the proper documentation within one working day.

1.3 Custody changes which occur outside the institutional classification committee in response to dangerous or urgent circumstances, are considered conditional and are temporary until ratified by the committee.

1.4 Custody assignments, which require administrative approval, in accordance with this regulation will not be implemented until the approval is obtained either verbally or in writing.

503.07 INSTITUTIONAL PROCEDURE

1.1 Institutions and facilities shall develop institutional procedures to implement the classification system at their location. The procedures should minimally include the following:

- Identification and assignment of responsible staff;
- Composition of committees; and
- Description of scheduling practices, including forty-eight (48) hour notices to inmates **(3-4289)**
- Filing, record keeping and clerical functions.

1.2 The procedure must include at least one level of appeal, as described within the Department's Administrative Regulation 740. **(3-4288)**

503.08 SYSTEM AUDITS

1.1 The Offender Management Administrator shall develop and implement an audit process to review the conduct of classification activities by institutions and facilities of the Department.

1.1.1 An audit by the Offender Management Division staff should be conducted at each institution and facility once every year.

1.1.2 The results of the audit should be provided in writing to the Warden of the institution or facility, the Assistant Director of Operations and the Director. **(3-4282)**

1.2 Institutions and facilities shall submit a corrective action plan to correct deficiencies noted in audits and document that fact to the Offender Management Administrator, within thirty days of the receipt of the audit.

REFERENCES

ACA Standards 3-4282, 3-4283, 3-4284, 3-4288, and 3-4289

ATTACHMENTS

None

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS
SPECIFIC SUBJECT.**